

S. WESTCOTT TOOLE
SENIOR VICE PRESIDENT

THE PRUDENTIAL
INSURANCE COMPANY OF AMERICA
HOME OFFICE
PRUDENTIAL PLAZA NEWARK, N. J. 07101

April 26, 1965

Boston Redevelopment Authority
73 Tremont Street
Boston, Massachusetts

Gentlemen:

Prudential Center Project

Reference is made to Amendment of Application dated June 13, 1961, filed by The Prudential Insurance Company of America with you on June 14, 1961, and to your Report and Decision dated August 14, 1961. Reference is also made to Supplementary Application dated August 13, 1964, filed with you on August 13, 1964, and to the action which you took with reference to the Supplementary Application by vote on August 13, 1964, approved by the Mayor on August 19, 1964.

1. In accordance with the foregoing vote The Prudential Insurance Company of America is now in the process of constructing the two high-rise, air-conditioned multi-family dwelling units outlined in green on the site plan attached to the Supplementary Application and also the Plaza and the Garage in the area outlined in yellow on said site plan, and proposes in the near future to undertake the construction of a low-rise commercial unit within the area marked "Commercial Bldg." on the site plan attached hereto, in lieu of the low-rise, two-story commercial unit and two-story expansion thereof referred to in the Supplementary Application. The low-rise commercial unit now proposed will contain in the aggregate not less than 135,000 and not more than 150,000 square feet of floor space located on three floors, one of which shall be at Street Level, one at Plaza Level, and a third, containing approximately 11,500 square feet of floor space, one floor above Plaza Level and shall include within said aggregate floor space a loading dock and truck entrance. In other respects any development of Lot B will conform to the provisions specified in the Supplementary Application except as provided in the following paragraph.

2. Lot B bounds southeasterly on the northwesterly side of Huntington Avenue as the same was located at the time of your Approval of the Project. Since that time Massachusetts Turnpike Authority has relocated Huntington Avenue, leaving a strip of land now owned by it between a portion of the northwesterly sideline of Huntington Avenue as presently located and the northwesterly sideline of Huntington Avenue as formerly located. Massachusetts Turnpike Authority proposes to convey this strip of land to The Prudential Insurance Company of America which desires to incorporate this strip of land into the Project Area and to extend the construction across the strip of land to the present northwesterly line of Huntington Avenue.

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Boston Redevelopment Authority
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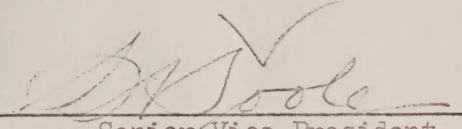
The Prudential Insurance Company of America respectfully requests your approval of the foregoing, none of which are believed to involve any fundamental changes.

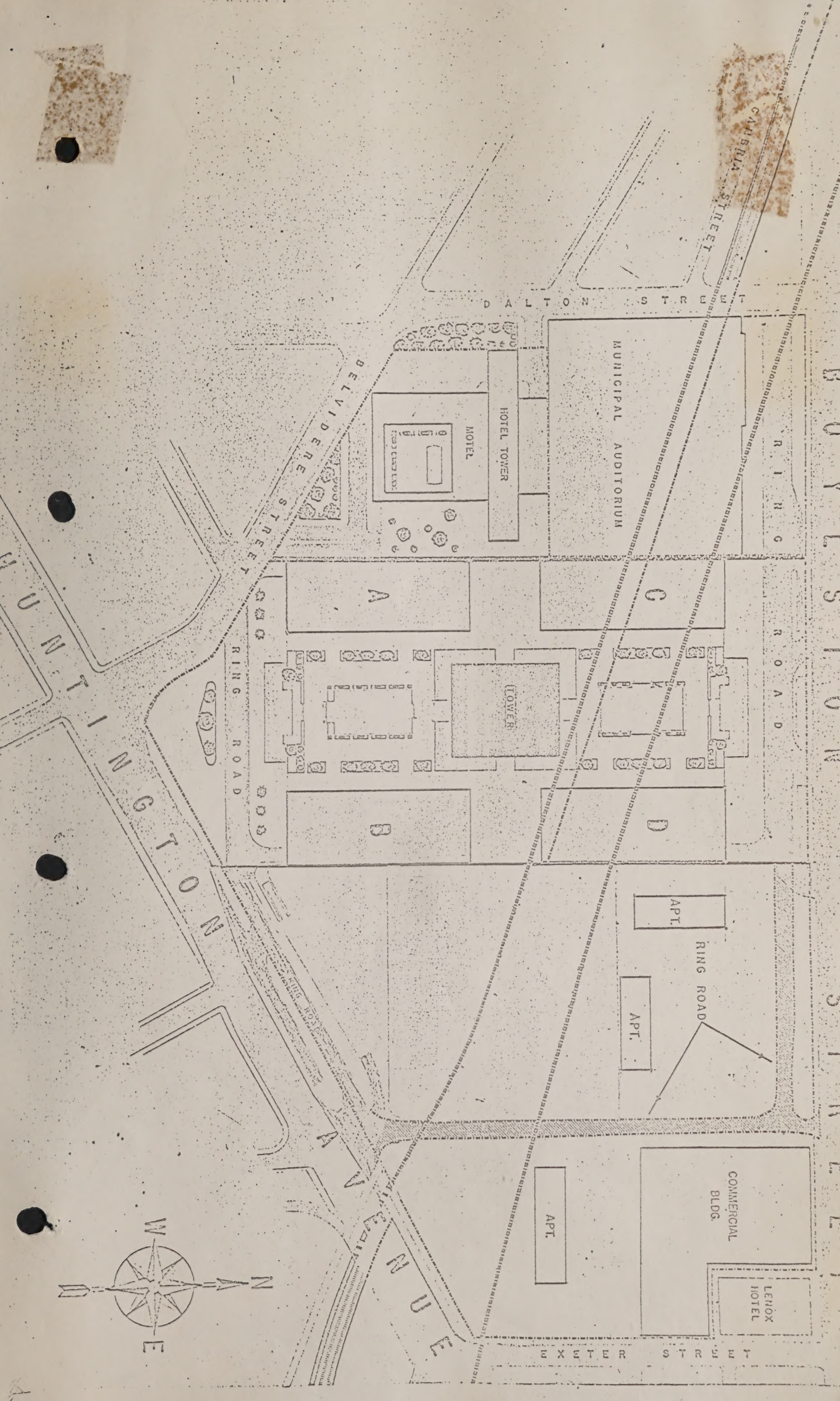
3. In paragraph 5 of your vote referred to above, you reserve decision with respect to two requests by The Prudential Insurance Company of America contained in the Supplementary Application, one for a variance from Section 1008 of the Building Code to permit the elimination of sprinklers from kitchens, and the other for a variance from Section 807 of the Building Code to permit the elimination of sprinklers from the mezzanine parking area, pending consideration thereof by the Board of Appeal of the City of Boston. The Board of Appeal of the City of Boston in case No. 2388, by its decision dated October 7, 1964, of which a copy is attached hereto, has granted the variances requested by The Prudential Insurance Company of America with respect to Dwelling Units 1 and 3 outlined in green on the site plan attached to the Supplementary Application and with respect to the mezzanine parking area, subject to certain provisos incorporated in the decision. The Prudential Insurance Company of America respectfully requests that you grant the same permissions to deviate as were granted by the Board of Appeal in said Case No. 2388 subject to the same provisos.

Respectfully,

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA

By:


Senior Vice President



CANBRIA STREET

DALTON STREET

MUNICIPAL AUDITORIUM

HOTEL TOWER

MOTEL

A

C

FLOWER

D

B

APT.

RING ROAD

APT.

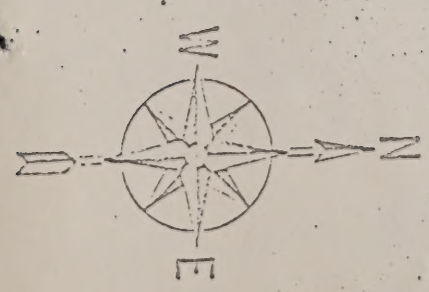
COMMERCIAL BLDG.

LENOX HOTEL

APT.

EXETER STREET

WINTHROP





BOARD OF APPEAL

Oct 15 2 11 PM '64

OFFICE OF THE BOARD OF APPEAL

September 25, 1964

Decision of the Board of Appeal on the Appeal of The Prudential Insurance Co. of America

from the refusal of the Building Commissioner to grant permission to omit sprinklers in the kitchens and the garage of this building. There is no mention in the letter of refusal from the Building Department as to the location of the building, the authority under which the refusal is made or the section which would be in violation under this authority. The letter is addressed to the Charles Luckman Associates instead of to the owner of the property, the Prudential Insurance Company of America. However, the appellant, in the reasons for its appeal, gives the name of the owner, and states that the location is #770 Boylston Street, Ward 4, and the Board is acting on this information. At the hearing, it was brought out that the appeal was filed under Chapter 479, Acts of 1938, as amended, and that the following sections are in violation of said Chapter:

Section 807-f: Garages shall have automatic sprinklers and other suitable fire-fighting apparatus when floor area exceeds 10,000 sq. ft. on any one floor or if the height is five stories or more.

Section 1008-a: Automatic sprinklers shall be installed in cellars, basements, workrooms, shops, store rooms and kitchens, in buildings of Type I and Type II construction more than six stories high.

The Board is acting on these sections as though they had been incorporated in the appeal.

In its formal appeal, the appellant states briefly in writing the grounds of and the reasons for its appeal from the refusal of the Building Commissioner, above referred to, as set forth in papers on file numbered (2388) and made a part of this record.



CITY OF BOSTON

BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

September 25, 1964

Decision of the Board of Appeal on the Appeal of Case #2300 - page 2.

It appeared at the hearing held on Friday, September 25, 1964, and upon an examination of the plans and the premises by the Board that the premises in question cover an area of approximately 26 acres, on which the appellant is in the process of erecting a complex of buildings.

There are discrepancies in the description of the structure that were incorporated in the original decisions of the Board of Appeal (Cases #Z-1480, #2162 and #2163), for which preliminary plans had been filed, and the description of the structure given at the hearing held on September 25, 1964. The testimony given at the hearing held on September 25, 1964, specifies that the description given for this appeal, and incorporated in the Board's decision, is the correct one.

The Board finds that the particular structure which the Board is considering will be of Type I (reinforced concrete) construction, 28 stories in height, with basement. The first and second floors and the basement will be used for garage purposes for the use of tenants and visitors of the structure. The third floor to the 28th floor, inclusive, will be occupied as apartments. The structure will cover an area of approximately 12,600 sq. ft., and will be approximately 274'11" in height; there will be a penthouse on top of the building for the housing of mechanical equipment, approximately 27'3" in height, which is not included in the height of the structure. The overall height of the structure will be approximately 302'2".



CITY OF BOSTON

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Decision of the Board of Appeal on the Appeal of

Case #2308 - page 3.

On May 15, 1958, the Board granted a variance permitting the structure to be erected to a height greater than that allowed under the Zoning Law in a general business (155') district (under #53-145 Huntington Avenue, and including other street numbers, which are the same premises now numbered 750 - 770 Boylston Street) (See Case #Z-4488 - now on file in the Building Department).

On December 23, 1963, the Board granted relief from the compliance with certain sections of the Building Code (See Cases #2162-2163 - now on file in the Building Department).

The Board finds that although there were three appeals filed for the structures, (#750 Boylston Street, 770 Boylston Street and #750-770 Boylston Street) it is technically one structure, as the garage extends under both buildings, and is numbered 750-770 Boylston Street and the two tower buildings are numbered 750 Boylston Street and 770 Boylston Street, respectively. The portion of the garage area above the ground grade between the two tower buildings will be two stories in height with a pedestrian promenade on the roof of same.

With reference to Section 807-f: The Board finds that sprinklers will be provided in the basement and first floor portions of the garage area, which are enclosed, and the Board incorporates same as a proviso. The only portion of the garage area where the appellant appeals to be permitted to omit installing a system of automatic sprinklers is at the second floor level (mezzanine). This second floor level (mezzanine) is the vehicular entrance to the proposed apartment buildings. There are several openings in the roof, and the exterior wall is continuously perforated with opening slots one foot wide for its full height, spaced five feet



CITY OF BOSTON

BOARD OF APPEAL

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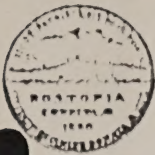
September 25, 1964

Decision of the Board of Appeal on the Appeal of Case #2388 - page 4.

on centers. Because of these openings, there would be danger of water freezing in the pipes in the winter. At the hearing the appellant stated that specific safety measures as required by the Building Department would be installed on the second floor (mezzanine) garage area in place of the sprinklers, and the Board incorporates same as a proviso.

With reference to Section 1008-a: The Board finds that the appellant appeals to be permitted to omit installing a system of automatic sprinklers in the kitchens of all apartments. The Board is of the opinion that as said structure is of Type I construction, it would be a hardship to compel the appellant to install sprinkler-heads in the kitchens as it would necessitate the installation of unsightly fixtures inconsistent with a carefully designed modern apartment house building. The Board finds that there will be installed and maintained a system of automatic sprinklers as required by the Building Department throughout the building, with the exception of in the kitchens and the second floor level (mezzanine) of the garage area. In addition to said sprinklers, there will be installed a fire department connection, and on each floor first aid stations every 70 feet as a means of fighting fire. However, the Board is of the opinion that there should be provided and maintained one approved CO2 fire extinguisher at every first aid hose outlet in the corridors.

The appellant stated at the hearing that electric stoves would be used for cooking purposes.



CITY OF BOSTON

BOARD OF APPEAL

OFFICE OF THE BOARD OF APPEAL

September 25, 1964

Decision of the Board of Appeal on the Appeal of Case #2388 - page 5.

In view of the foregoing findings of fact, the Board is of the opinion that while the omission of the sprinklers as described above is in conflict with the letter of the law, the varying of the provisions of Sections 807-f and 1008-a in this specific case as outlined above will not conflict with the spirit of any provision of this Act, and that it would be a manifest injustice to refuse the appellant a permit, provided the following provisos are carried out. Therefore, acting under its discretionary power, the Board annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following provisos:

"That a system of automatic sprinklers be installed in the basement and first floor of the garage area; that specific safety measures as required by the Building Department be installed on the second floor (mezzanine) garage area in place of the sprinklers; and that there be provided and maintained one approved CO2 fire extinguisher at every first aid hose outlet in the corridors."

Signed October 7, 1964:

Samuel J. Tomasello, Chairman
 Merton P. Ellis, Secretary
 George W. Judkins
 John J. Grigalus
 James J. Boyle

A true copy.
 Attest:

Julia M. Rahilly
 Julia M. Rahilly,
 Executive Secretary

PRUDENTIAL EXCISE

Gross Income	\$ 370,000.00	
5% of Gross		\$ 18,500.00
Fair Cash Value as determined by City's Assessing Department	50,009,250.00	
\$10. per M on Fair Cash Value		<u>500,092.50</u>
Excise		\$518,592.50

Gross income above is determined by including annual rental value of space occupied in 1964 by Prudential at \$6 - per square foot apportioned over period of Prudential's occupancy in 1964.

Under the contract between Prudential and the City the rental value of space occupied by Prudential in the Project is to be based on 50¢ per square foot per month - viz. \$6 - per square foot per year.

Section 10 of Chapter 121A provides that the excise shall not be less than the City would receive at the current tax rate on whichever of the following valuations is the lesser:

(a) 1965 Tax Rate (assumed \$115.) times the fair cash value determined by the City's Assessing Department (\$50,009,250) or

(b) 1965 Tax Rate (assumed \$115) times the average of the assessments in the 3 years prior to BRA's approval of the Project (\$4,442,800).

Obviously (b) is the lesser - $\$4,442,800 \times 115 = \$510,922$ --- Accordingly the 1964 excise payable is \$518,592.50 which is more than the lesser of (a) and (b).

